

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CLEMENS FRANEK,

Plaintiff,

v.

WALMART STORES, INC. and
TARGET CORPORATION,

Defendants.

Civil Action No. 08-Civ-0058

Judge Robert M. Dow, Jr.

JURY DEMAND

JAY FRANCO & SONS, INC.,

Plaintiff,

v.

CLEMENS FRANEK,

Defendant.

Civil Action No. 08-Civ-1313

Judge Robert M. Dow, Jr.

JURY DEMAND

**PLAINTIFF JAY FRANCO & SONS, INC.'S MOTION FOR
PARTIAL SUMMARY JUDGMENT**

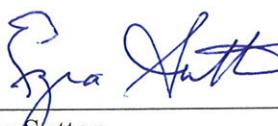
Plaintiff Jay Franco & Sons, Inc. hereby moves this Court pursuant to Fed. R. Civ. P. 56 for an Order granting summary judgment on Count II of its Complaint For Declaratory Judgment and Other Relief filed March 5, 2008 ("Complaint") and Counts I through IV of Defendant Clemens Franek's Counterclaims Against Jay Franco & Sons, Inc. for Trademark Infringement, False

Designation of Origin, Deceptive Trade Practices, and Fraud filed on May 2, 2008 ("Franek's Counterclaims") for the reasons more fully set forth in Plaintiff Jay Franco & Sons, Inc.'s Memorandum in Support of its Partial Summary Judgment Motion filed simultaneously herewith.

Dated: May 16, 2008

JAY FRANCO & SONS, INC.

By:


Ezra Sutton
EZRA SUTTON, P.A.
900 Route 9, Suite 201
Woodbridge, New Jersey 07095
(732) 634-3520 - Office
(732) 634-3511 - Fax

Attorney for Plaintiff
Jay Franco & Sons, Inc.